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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

PARLER LLC,

Plaintiff,

v.

AMAZON WEB SERVICES, INC.,

Defendant

No. 2:21-cv-00031-BJR

**DECLARATION OF  
AMY PEIKOFF**

PEIKOFF DECLARATION - 1



David J. Groesbeck, P.S.  
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1 The undersigned declares as follows:

2 1. I am the Chief Policy Officer at Parler LLC. I am over the age of 18  
3 years and have personal knowledge, and competence to testify if needed, of the  
4 matters set forth herein through firsthand knowledge and review of corporate  
5 documents kept in the ordinary course of business.  
6

7  
8 2. As Chief Policy Officer, I have been primarily responsible for working  
9 with Amazon Web Services, Inc. ("AWS") to address or remove any content that  
10 AWS or others have brought to Parler's attention as inappropriate. As soon as  
11 possible whenever notified, I have either personally reviewed and taken down  
12 problematic content flagged by AWS or others or submitted it to our Community  
13 Jury for review in accordance with our Terms of Service.  
14  
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16  
17 3. In November, AWS flagged a problem with Parler users posting  
18 pornography. Parler effectively addressed the issue by dedicating a special task  
19 force, composed of both jury members and support staff, to eradicating it.  
20

21 4. As a result of interactions with AWS, Parler has become increasingly  
22 proactive. For instance, since early-to-mid December 2020, Parler has been  
23 working towards incorporating an Artificial Intelligence ("AI") recognition system  
24 to pre-screen inappropriate content, such as pornography or material that  
25 encouraged or incited violence, in the beginning of 2021. AWS knew by mid-  
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31 PEIKOFF DECLARATION - 2  
32



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1 December about Parler's plans to implement such a system, and even suggested  
2 that Parler use Amazon's own AI system for that purpose. Ex. B.

3  
4 5. Previously, however, Parler has generally relied on a jury system,  
5 wherein Parler users would report content, and a panel of jurors would vote as to  
6 whether to assign violation points or remove problematic content according to  
7 Parler's Community Guidelines. The Parler "jury pool" received significant  
8 training about the terms of service and what constituted violations of them,  
9 including that Parler had no tolerance for inciting violence and lawbreaking.

10  
11  
12 6. On November 17, 2020, AWS sent Parler some content it had flagged  
13 as encouraging or inciting violence. Over the next four weeks, AWS would  
14 occasionally send additional Parler user content it had flagged.

15  
16  
17 7. The last such email before January 8, 2021, was sent by AWS on  
18 December 19, 2020. Thus, from December 19, 2020 until January 8, 2021, AWS did  
19 not flag any specific problematic content to Parler.

20  
21 8. In none of these emails prior to January 8, 2021, did AWS state that  
22 Parler's systems or efforts to police and remove violent content, including its jury  
23 system, amounted to a breach of contract.

24  
25 9. On January 6, 2021, AWS forwarded to Parler a generic complaint  
26 about problematic content, but without any particular examples. Ex. G. That same  
27 day I responded, informing AWS that Parler had been dealing appropriately with  
28



1 this content, including cooperating with law enforcement, and offered to get on a  
2 call do discuss the measures we were taking. (We had added an escalation  
3 procedure since the December 19 communication, plus had posted on workable a  
4 job listing for new members of a “Community Guidelines Enforcement Task Force.”  
5 Ex. G.  
6  
7

8 10. The next day, January 7, 2021, AWS responded via email that the  
9 previous email was just for Parler’s information and to consider the matter  
10 “resolved.” Ex. G. Thus, before January 8, 2021, Parler had no communication to  
11 the effect that AWS considered Parler to have an ongoing problem, that Parler’s  
12 current and future plans for content moderation were deficient, or that Parler was  
13 violating the User Agreement.  
14  
15

16 11. What is more, per our Chief Technical Officer, AWS admitted to  
17 Parler in an email on December 16, 2020, from an AWS Technical Account  
18 Manager, that he “used to receive more than a dozen report [sic] per day for another  
19 customer” and that “Twitter is moving their timeline workload into AWS[,] which  
20 I can imagine will mean more abuse for Twitter too.” Ex. A. He further stated that  
21 as far as any “abuse report[s]” were concerned, he was “definitely in this journey  
22 with you.”  
23  
24

25 12. On January 8, 2021, for the first time since December 19, AWS sent  
26 specific examples to Parler of content that encouraged or incited violence. I or my  
27  
28  
29  
30



1 staff removed the content as soon as practicable after our server difficulties on  
2 January 8.

3  
4 13. In the wake of Twitter banning President Trump, on that same  
5 afternoon, Friday, January 8, Parler experienced an intense burst of activity and  
6 new users, causing it to shut down for approximately seven hours in the afternoon  
7 and evening. During that period, approximately 26,000 instances of content that  
8 potentially encouraged violence, or otherwise violated Parler's Terms of Service  
9 were posted and flagged.  
10  
11

12 14. As soon as Parler was back up and running, it began to remove this  
13 content, something that was communicated to AWS. By the end of Sunday,  
14 January 10, 2021, Parler's jury had reviewed all but approximately one thousand  
15 of these reported posts in those 48 hours—a total of over 25,000, or close to 1,000  
16 problematic posts reviewed in about an hour.  
17  
18

19 15. Early in the afternoon on Sunday, January 10, I emailed the AWS  
20 Trust and Safety Team, informing them of additional steps Parler had taken since  
21 the morning before to address the recent surge in incitement and threats on our  
22 platform. Ex. C. I reminded AWS that I had informed them in a phone conversation  
23 the previous morning that “we have been taking this content very seriously for  
24 weeks, as well as working closely with law enforcement.” *Id.* I then laid out the  
25 additional measures we had implemented. *See id.*  
26  
27  
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Executed on January 13, 2021 at Austin, Texas.

Amy Peikoff